

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 12/16/2014
JUDICIAL OFFICER: Tari Cody

EVENT TIME: 08:20:00 AM

DEPT.: 20

CASE NUM: 56-2014-00453806-CU-PA-VTA
CASE TITLE: LINDSAY VS. CHRISTIAN

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion - Other (CLM) - to Stay Discovery and/or for a Protective Order
CAUSAL DOCUMENT/DATE FILED: Motion - Other, 11/14/2014

No notice of intent to appear is required. If you wish to submit on the tentative decision, you may send a telefax to Judge Cody's secretary at 805-662-6712, stating that you submit on the tentative. Please include the hearing date, the case name and case number on your telefax. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, you run the inherent risk of the hearing being conducted in your absence.

The court's tentative ruling is as follows:

Defendants seek a protective order/stay of discovery propounded on them until the pending criminal case has ended. Defendant Drew Christian is charged with misdemeanor hit and run driving (Veh. C. §20002(a).) Arraignment is set for 12/22/14 after having been continued at least twice. There is no known discovery propounded on Defendants to which responses are due. There are pending motions to compel further responses to past discovery. In response to some of this discovery Defendants invoked their constitutional privilege against self-incrimination. Defendant Drew Christian has sat for his deposition and in response to some questions he also asserted the privilege. There is no trial date yet set in this case.

The court has the discretion to fashion orders that address the competing interests – Defendants' right to invoke the privilege and not suffer a penalty for doing so, Plaintiff's right to an expeditions and fair resolution without being subjected to unwarranted surprise and the court's goal of expeditiously disposing of civil cases and in efficiently utilizing judicial resources. (*Fuller v. Superior Court* (2001) 87 Cal. App. 4th 299, 305-306.)

The request for protective order and stay is granted with respect to discovery to which Defendants have to date asserted the privilege and as to further any additional discovery propounded on Defendants. The discovery requests to which Defendants have asserted a privilege are:

Request for Admission – Nos. 2, 17 and 18

Form Interrogatories – Nos. 17.1 (as it pertains to RFA Nos. 2, 17, 18, 23)

Demand for Prod. Of Docs – Nos. 7, 14.

Discovery from Defendants as to these matters is stayed until the earlier of January 20, 2015, or resolution of the pending criminal case. A status hearing is set for 1/20/15 at 8:30 a.m. at which time the court reserves the ability to extend the stay.

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.